

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>JOHN DOE, et al</b>	:	<b>CIVIL ACTION</b>
	:	
<b>v.</b>	:	
	:	
<b>KENNETH SCHNEIDER, et al</b>	:	<b>NO. 08-3805</b>

**ORDER**

**AND NOW**, this 29<sup>th</sup> day of October, 2009, upon consideration of Defendants Kenneth Schneider, Bernard Schneider, Marjorie Schneider, Susan Schneider and The Apogee Foundation's Motion to Dismiss, the response filed in opposition and the reply thereto, it is hereby **ORDERED** that Defendants' Motion (Doc. #5) is **GRANTED IN PART** and **DENIED IN PART**, as follows:

- Defendants' Motion as to Count I is denied;
- Defendants' Motion as to Count II is denied;
- Defendants' Motion as to Count III is granted in part. Plaintiff John Doe's claim for vicarious liability is dismissed;
- Defendants' Motion as to Count IV is denied;
- Defendants' Motion as to Count V is granted.
- Defendants' Motion as to Count VI is granted in part. Plaintiff Jane Doe's claim for intentional infliction of emotional distress is dismissed;
- Defendants' Motion as to Count VII is granted; and
- Defendants' Motion as to Count VIII is granted.

Further, Defendants' "Motion to Grant as Uncontested their Motion to Dismiss the First Amended Complaint" (Doc. #7) is **DENIED**.

**BY THE COURT:**

**/s/ Mitchell S. Goldberg**

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**MITCHELL S. GOLDBERG, J.**